

Message Text

UNCLASSIFIED

PAGE 01 PARIS 13339 051723Z
ACTION SCSE-00

INFO OCT-01 ISO-00 PASS-00 L-03 /004 W
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FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 2505

UNCLAS PARIS 13339

E.O. 11652: N/A
TAGS: CGEN, FR
SUBJECT: DEPOSITION IN CASE OF TULLMAN VS. KERKORIAN

TO: MR. JOSEPH A. ROSENTHAL
MORRIS AND ROSENTHAL, P.A.
301 MARKET TOWER
P.O. BOX 1070
WILMINGTON, DELAWARE 19899
TEL. 302-656-4433

REFERENCE: YOUR LETTER OF APRIL 20

1. REGRET TO INFORM YOU IN ACCORDANCE WITH 22 CFR
92.85 EMBASSY CANNOT SERVE SUBPOENAS ON NELSON AND FAIN
NOR CAN EMBASSY APPOINT OTHER PERSONS TO DO SO. CFR
TAKES PRECEDENCE OVER ARTICLE VIII OF HAGUE CONVENTION
(TIAS 6638) CITED IN PLAINTIFF'S MOTION IN CIVIL
ACTION 4372. CONSULAR OFFICERS SERVE LEGAL PROCESS
ONLY IN CERTAIN FEDERAL CASES.

2. SUBPOENAS CONTAIN TECHNICAL DEFECT IN THAT ADDRESS
OF LOCUS OF EVIDENCE TAKING IS UNITED STATES EMBASSY,
2 AVENUE GABRIEL, PARIS, FRANCE -- NOT 19 RUE DE
FRANQUEVILLE WHICH IS ADDRESS OF U.S. MISSION TO OECD.

3. DELAWARE COURT MAY WISH TO REQUEST SERVICE BE MADE
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THROUGH SERVICE CIVIL DE L'ENTRAIDE JUDICIAIRE
INTERNATIONALE, DIRECTION DES AFFAIRES CIVILES ET DU
SEAU, 13 PLACE VENDOME, 75001 PARIS, FRANCE. SUBPOENAS
MUST BE ACCOMPANIED BY FRENCH TRANSLATION BUT TRANS-
LATION DOES NOT HAVE TO BE CERTIFIED. THIS PROCEDURE
IN CONFORMITY WITH HAGUE CONVENTION OF SERVICE ABROAD
OF JUDICIAL DOCUMENTS. FRENCH JUSTICE MINISTRY,

HOWEVER, WOULD NOT OBJECT IF YOU PREFER TO USE
AMERICAN ATTORNEY IN FRANCE OR FRENCH HUISSIER.

4. WE ARE AIRMAILING TO YOU COURT COMMISSION TO MESSERS.
WEITZEN AND RUFFING, SUBPOENAS AND OTHER
DOCUMENTS FOR CORRECTION OF ADDRESS AND CHANGE OF
DATES. ALSO ENCLOSED LIST OF AMERICAN ATTORNEYS IN PARIS
AND INFORMATION SHEET ON DEPOSITION. EMBASSY CAN
PROVIDE ROOM FOR DEPOSITION-TAKING BUT YOU WOULD HAVE
TO SUPPLY STENOGRAPHER.
GAMMON

NOTE BY OCT: PASSED ABOVE ADDRESSEE.

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